IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 16144 of 2007(V)

PETITIONER:

M.BHASKARAN, AGED 54 YEARS,
SON OF P.N.MADHAVAN PILLAI, PRESIDENT,
KOLLAM CORPORATION RESIDENTS' WELFARE CO-OPERATIVE SOCIETY LTD NO.Q 1465, AYATHIL P.O., KOLLAM-691 017.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), KOLLAM.

2. THE KOLLAM CORPORATION RESIDENTS' WELFARE CO-OPERATIVE SOCIETY LTD NO.Q 1465, AYATHIL P.O., KOLLAM, REPRESENTED BY ITS SECRETARY.

BY GOVERNMENT PLEADER (SHRI P. N. SANTHOSH)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 16144 OF 2007 V

Dated this the 29th May, 2007

JUDGMENT

The prayers in the Writ Petition are as follows:

i) Issue a writ of mandamus forbearing the first respondent from superseding the existing Managing Committee headed by the petitioner of the second respondent society until after complying with all formalities prescribed under the Kerala Co-operative Societies Act and the Rules framed thereunder and with sufficient opportunity to the petitioner to show cause against such a drastic step.

ii) Issue a writ of mandamus forbearing the first respondent from making use of a report under Section 66 for eventual dissolution of the existing Managing Committee as it is contrary to various decisions of this Hon'ble Court.

Iii) Issue a writ of mandamus directing the first respondent to immediately furnish a copy of the report brought about pursuant to Ext.P1 to the

Committee headed by the petitioner to enable them to take appropriate remedies."

2. According to petitioner, this Writ Petition is filed seeking to prevent the eventual supersession of a well-run Co-operative Society solely based on extraneous considerations. Ext.P1 is received, according to petitioner, as a prelude to the same. By Ext.P1, it was ordered to conduct an enquiry. Learned Government Pleader would submit that there is absolutely no basis for the apprehension raised in the Writ Petition. He would submit that under Ext.P1 only an enquiry is ordered. He would also submit that if at all any supersession is to be ordered, it could be done only in accordance with law and complying with the formalities. In such circumstances, the Writ Petition is disposed of directing the first respondent to desist from superseding the existing Managing Committee until after complying with all formalities and after affording an opportunity of being heard to the petitioner.

kbk. **K. M. JOSEPH, JUDGE**